

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALAN HAMM,

Plaintiff,

-v-

No. 9:13-CV-1302
(DNH/CFH)

MR. M. FARNEY, ASAT Counselor,
Gouverneur Correctional Facility,

Defendant.

APPEARANCES:

ALAN HAMM
Plaintiff Pro Se
05-A-0837
Gouverneur Correctional Facility
Scotch Settlement Road
P.O. Box 480
Gouverneur, NY 13642

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendant
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

RICHARD LOMBARDO, ESQ.
Ass't Attorney General

DECISION and ORDER

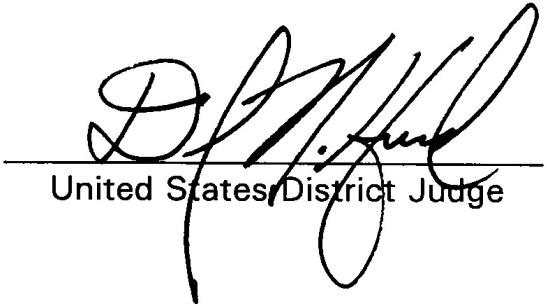
Pro se plaintiff Alan Hamm brought this action pursuant to 42 U.S.C. § 12131. On July 29, 2014, the Honorable Christian F. Hummel, United States Magistrate Judge, advised by Report-Recommendation that defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) be denied. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendant's motion to dismiss is DENIED;
2. Defendant is directed to file an answer to the complaint on or before September 11, 2014; and
3. The Clerk is directed to serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.



United States District Judge

Dated: August 28, 2014
Utica, New York.